IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1728 OF 2006

Amit Suresh Vorkady & Anr. ...Petitioners
Vs.
The State of Maharashtra ...Respondent

Mr.A.R.Gupte and Mr. Niranjan Mundargi for the Petitioners
Mrs. A.S. Pai, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 5TH SEPTEMBER, 2006

P.C.

1. Heard.

2. The Writ Petition is taken on board. This Petition can be disposed of rather than keeping it pending and extending the interim order from time to time. The Petitioners have approached this Court seeking quashing of the F.I.R which is registered as C.R.No.379 of 2006 with Mulund Police Station, Mumbai on the complaint lodged by the wife of Amit/Petitioner No.1 for having committed offence punishable under Section 3(1)

(5) (15) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and under Section 498-A r.w. 34 of the Indian Penal Code.

3. This Court on 11th August, 2006 passed an order granting liberty to the Petitioner to seek bail. In so far as offence under Section 498-A is concerned, it is directed that no coercive action will be taken against them for offence punishable under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

4. On hearing the learned A.P.P we are of the view that the custodial interrogation of the Petitioners in the matter is not required and as there is no provision for grant of pre-arrest bail for the aforesaid offences, the Petitioners can very well surrender before the Special Judge appointed at Mumbai to deal with cases under the S.C. S.T. (Prevention of Atrocities) Act, 1989 and apply for bail after giving advance notice to the learned A.P.P, though our observations are not meant to influence the Special Judge, but we would like to make it clear that if such an application is made the learned Special Judge can dispose it in accordance with law and

release the Petitioners on bail by imposing certain conditions in order to facilitate investigation of the case.

5. The learned Counsel for the Petitioners submits that the Petitioners would surrender before the Special Judge, Mumbai within a period of 2 weeks from the date of passing of this order.

6. With the above observations the Petition stand disposed of.

(SMT.ROSHAN DALVI, J.) **(SHRI. J.N. PATEL, J.)**